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Federal Agencies

August 31, 2004

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Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**Mail Stop Amendment**  
**Art Unit 1654**

Re: U.S. Utility Patent Application  
Application No. 10/763,252; Filed: January 26, 2004  
For: **Animal Cell Culture Media Comprising Non-Animal or Plant-Derived  
Nutrients**  
Inventors: Price *et al.*  
Our Ref: 0942.4120006/RWE/FRC

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Information Disclosure Statement;
2. Listing of the cited documents on Form PTO-1449 (11 sheets);
3. A copy of document AK1; and
4. Return postcard.

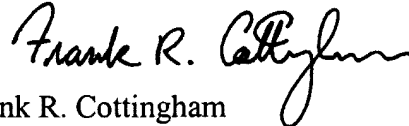
It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents  
August 31, 2004  
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Frank R. Cottingham". The signature is fluid and cursive, with the last name being more prominent.

Frank R. Cottingham  
Attorney for Applicants  
Registration No. 50,437

FRC/pcd  
Encls.

305350v1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Price *et al.*

Appl. No.: 10/763,252

Filed: January 26, 2004

For: **Animal Cell Culture Media  
Comprising Non-Animal or Plant-  
Derived Nutrients**

Confirmation No.: 8017

Art Unit: 1654

Examiner: Coe, S.

Atty. Docket: 0942.4120006/RWE/FRC

**Information Disclosure Statement**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. Copies of all documents except for **AK1** were cited by or submitted to the Office in an Information Disclosure Statement that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. 09/693,949, filed October 23, 2000, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d). A copy of document **AK1** is provided.

Document **AM1** is in the German language. An English language abstract of document **AM1** was submitted as document **AS7**. Documents **AN1**, **AO1**, **AL2** and **AM2** are in the Japanese language. English language abstracts of these documents were submitted as documents **AT7**, **AR8**, **AS8** and **AT8**, respectively. 37 C.F.R. § 1.98(a)(3).

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

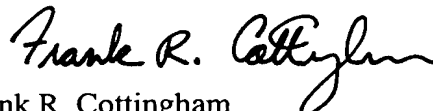
This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

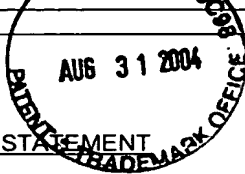
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, reading "Frank R. Cottingham". The signature is written in a cursive, flowing style.

Frank R. Cottingham  
Attorney for Applicants  
Registration No. 50,437

Date: AUG. 31, 2004

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FORM PTO-1449		ATTY. DOCKET NO. 0942.4120006/RWE/FRC	APPLICATION NO. 10/763,252
INFORMATION DISCLOSURE STATEMENT		FIRST NAMED INVENTOR Price <i>et al.</i>	
		FILING DATE January 26, 2004	ART UNIT 1654

### U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA1	3,622,453	11/23/1971	Akeyama <i>et al.</i>			09/09/1968
	AB1	5,063,157	11/05/1991	Stockinger			01/11/1989
	AC1	5,122,469	06/16/1992	Mather <i>et al.</i>			10/03/1990
	AD1	5,318,906	06/07/1994	Sakata <i>et al.</i>			06/04/1992
	AE1	5,324,524	06/28/1994	Durnford <i>et al.</i>			05/06/1991
	AF1	5,372,943	12/13/1994	Inlow <i>et al.</i>			07/12/1993
	AG1	5,474,931	12/12/1995	DiSorbo <i>et al.</i>			09/21/1993
	AH1	5,607,852	03/04/1997	Provost <i>et al.</i>			12/05/1994
	AI1	5,633,162	05/27/1997	Keen <i>et al.</i>			03/04/1994
	AJ1	5,741,705	04/21/1998	Blom <i>et al.</i>			02/23/1995
	AK1	6,103,529	08/15/2000	Price <i>et al.</i>			10/10/1997

### FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL1	GB 901,673	07/25/1962	Great Britain			Yes No
	AM1	DE 3538310 A1	04/30/1987	Germany			Yes X No
	AN1	JP 64-75430	03/22/1989	Japan			Yes X No
	AO1	JP 2-49579	02/19/1990	Japan			Yes X No
	AP1	EP 0 481 791 A2	04/22/1992	Europe			Yes No

### OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>1</u>	Auricchio, S., <i>et al.</i> , "Prevention by Mannan and other Sugars of in vitro Damage of Rat Fetal Small Intestine Induced by Cereal Prolamin Peptides Toxic for Human Celiac Intestine," <i>Ped. Res.</i> 22:703-707, International Pediatric Research Foundation, Inc. (1987)
	AS	<u>1</u>	Coleman, W.H. and Roberts, W.K., "Inhibitors of Animal Cell-Free Protein Synthesis from Grains," <i>Biochim. Biophys. Acta</i> 696:239-244, Elsevier Biomedical Press (1982)
	AT	<u>1</u>	Dyas, L., <i>et al.</i> , "The sterol Composition of Five Plant Species Grown as Cell Suspension Cultures," <i>Phytochem.</i> 35:655-660, Elsevier Science Ltd. (1994)

EXAMINER	DATE CONSIDERED
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FORM PTO-1449  <b>INFORMATION DISCLOSURE STATEMENT</b>	ATTY. DOCKET NO. 0942.4120006/RWE/FRC	APPLICATION NO. 10/763,252
	FIRST NAMED INVENTOR Price <i>et al.</i>	
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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL2	JP 7-165524	06/27/1995	Japan			Yes X No
	AM2	JP 9-40693	02/10/1997	Japan			Yes X No
	AN2	WO 97/33978	09/18/1997	WIPO			Yes No
	AO2	WO 98/08934	03/05/1998	WIPO			Yes No
	AP2	WO 98/15614	04/16/1998	WIPO			Yes No

**OTHER (Including Author, Title, Date, Pertinent Pages, etc.)**

	AR	<u>2</u>	Freshney, R.I., "The Culture Environment: Substrate, Gas Phase, Medium, and Temperature," Chapter 7 in <i>Culture of Animal Cells. A Manual of Basic Technique</i> , 2 <sup>nd</sup> Ed., Alan R. Liss, Inc., New York, NY, pp. 57-84 (1987)
	AS	<u>2</u>	Ham, R.G., "Formulation of Basal Nutrient Media," in <i>Methods for Preparation of Media, Supplements and Substrata for Serum-Free Animal Cell Culture</i> , Barnes, D.W., <i>et al.</i> , eds., Alan R. Liss, Inc., New York, NY, pp. 3-21 (1984)
	AT	<u>2</u>	Healy, G.M. and Macmorine, H.G., "Replacement of Serum by a Soybean Protein Fraction in a Basal Tissue Culture Medium," <i>Progr. Immunobiol. Standard</i> 5:202-208, Karger (1972)

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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL3	WO 98/24883	06/11/1998	WIPO			Yes No
	AM3	WO 98/30679	07/16/1998	WIPO			Yes No
	AN3	WO 99/57246	11/11/1999	WIPO			Yes No
	AO						Yes No
	AP						Yes No

**OTHER (Including Author, Title, Date, Pertinent Pages, etc.)**

	AR	<u>3</u>	Iscoe, N.N. and Melchers, F., "Complete Replacement of Serum by Albumin, Transferrin, and Soybean Lipid in Cultures of Lipopolysaccharide-Reactive B Lymphocytes," <i>J. Exp. Med.</i> 147:923-933, Rockefeller University Press (1978)
	AS	<u>3</u>	Keay, L., "Autoclavable Low Cost Serum-Free Cell Culture Media. The Growth of L Cells and BHK Cells on Peptones," <i>Biotechnol. Bioeng.</i> 17:745-764, John Wiley & Sons, Inc. (1975)
	AT	<u>3</u>	Keay, L., "The Growth of L-Cells and Vero Cells on an Autoclavable MEM-Peptide Medium," <i>Biotechnol. Bioeng.</i> 19:399-411, John Wiley & Sons, Inc. (1977)

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	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

**OTHER (Including Author, Title, Date, Pertinent Pages, etc.)**

	AR	<u>4</u>	Lambert, K.J. and Birch, J.R., "Cell Growth Media," in <i>Animal Cell Biotechnology Volume 1</i> , Spier, R.E. and Griffiths, J.B., eds., Academic Press, New York, NY, pp. 85-122 (1985)
	AS	<u>4</u>	Lasfargues, E.Y., <i>et al.</i> , "A Serum Substitute That Can Support the Continuous Growth of Mammary Tumor Cells," <i>In Vitro</i> 8:494-500, Tissue Culture Association (1973)
	AT	<u>4</u>	Maurer, H.R., "Towards Chemically-defined, Serum-free Media for Mammalian Cell Culture," in <i>Animal Cell Culture: A Practical Approach</i> , Freshney, R.I., ed., IRL Press, Washington, DC, pp. 13-31 (1986)

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	AP						Yes No

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>5</u>	Murakami, H., <i>et al.</i> , "Suspension Culture of Hybridoma Cells in Serum-free Medium: Soybean Phospholipids as the Essential Components," in <i>Growth of Cells in Hormonally Defined Media, Book B, Cold Spring Harbor Conference on Cell Proliferation</i> 9:711-715, Cold Spring Harbor Laboratory (1982)
	AS	<u>5</u>	Schlaeger, E.-J., "The protein hydrolysate, Primatone RL, is a cost-effective multiple growth promoter of mammalian cell culture in serum-containing and serum-free media and displays anti-apoptosis properties," <i>J. Immunol. Meth.</i> 194:191-199, Elsevier Science B.V. (August 1996)
	AT	<u>5</u>	Strober, W., <i>et al.</i> , "The Pathogenesis of Gluten-Sensitive Enteropathy," <i>Ann. Int. Med.</i> 83:242-256, The American College of Physicians (1975)

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	AP						Yes No

**OTHER (Including Author, Title, Date, Pertinent Pages, etc.)**

AR	<u>6</u>	Waymouth, C., "Preparation and Use of Serum-Free Culture Media," in <i>Methods for Preparation of Media Supplements and Substrata for Serum-Free Animal Cell Culture</i> , Barnes, D.W., <i>et al.</i> , eds., Alan R. Liss, Inc., New York, NY, pp. 23-68 (1984)
AS	<u>6</u>	Wyss, C., "Cloning of Drosophila Cells: Effect of Vitamins and Yeast Extract Components," <i>Somatic Cell Genet.</i> 5:23-28, Plenum Publishing Corporation (1979)
AT	<u>6</u>	DIFCO Laboratories, "Bacto Potato Dextrose Agar," <i>DIFCO Manual</i> , pp.690-691, DIFCO Laboratories (1984)

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	AO						Yes No
	AP						Yes No

**OTHER (Including Author, Title, Date, Pertinent Pages, etc.)**

AR	<u>7</u>	Gibco BRL Life Technologies, 1993-1994 <i>Catalogue and Reference Guide</i> , pp. 1-105 through 1-107, 1-115 through 1-116, 1-123, 4-49, 4-50, 4-61, 4-63, Life Technologies (1993)
AS	<u>7</u>	Dialog File 351, Accession No. 1987-123874/198718, Derwent WPI English language abstract of DE 3538310 A1 (Document AM1)
AT	<u>7</u>	Dialog File 351, Accession No. 1989-132551/198918, Derwent WPI English language abstract of JP 67-75430 (Document AN1)

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## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>8</u>	Dialog File 351, Accession No. 1990-096513/199013, Derwent WPI English language abstract of JP 2049579 (Document AO1)
	AS	<u>8</u>	Dialog File 351, Accession No. 1995-261164/199534, Derwent WPI English language abstract of JP 7165524 (Document AL2)
	AT	<u>8</u>	Dialog File 351, Accession No. 1997-175705/199716, Derwent WPI English language abstract of JP 9040693 (Document AM2)

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**OTHER (Including Author, Title, Date, Pertinent Pages, etc.)**

	AR	<u>9</u>	CAPLUS database, accession no. 1960:64803, abstract of Japanese Pat. No. 34002673 (1959)
	AS	<u>9</u>	Quest International, Bioproducts Group, Norwich, NY, Product Information for HY-SOY® (January 1995)
	AT	<u>9</u>	Quest International, Bioproducts Group, Norwich, NY, Product Information for HYPEP 8382 (May 1995)

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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

**OTHER (Including Author, Title, Date, Pertinent Pages, etc.)**

	AR	<u>10</u>	Quest International, Bioproducts Group, Norwich, NY, Product Information for HYPEP DEV 4301 I (May 1995)
	AS	<u>10</u>	Quest International, Bioproducts Group, Norwich, NY, Product Information for HYPEP DEV 5115 (May 1995)
	AT	<u>10</u>	Quest International, Bioproducts Group, Norwich, NY, Product Information for HY-YEST 444 (June 1995)

EXAMINER

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FORM PTO-1449

**INFORMATION DISCLOSURE STATEMENT**ATTY. DOCKET NO.  
0942.4120006/RWE/FRCAPPLICATION NO.  
10/763,252FIRST NAMED INVENTOR  
Price *et al.*FILING DATE  
January 26, 2004ART UNIT  
1654**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
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	AO						Yes No
	AP						Yes No

**OTHER (Including Author, Title, Date, Pertinent Pages, etc.)**

	AR	<u>11</u>	International Preliminary Examination Report for International Patent Application No. PCT/US97/18255, mailed January 22, 1999
	AS	<u>11</u>	International Search Report for International Patent Application No. PCT/US97/18255, mailed January 13, 1998
	AT	<u>11</u>	Partial European Search Report for European Patent Application No. 97910043.5, European Patent Office, Netherlands, mailed September 10, 2002

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